

REMARKS

Claims 17-35 are in this application and are presented for consideration. By this amendment, Applicant has amended claims 17-25, 27-31 and 33-35. The claims have been amended to improve the clarity and the style of this application.

Applicant has amended the claims based on the specification and the amended claims do not add any new matter to the application. It is Applicant's position that the amended claims are clear and definite. Applicant wishes to thank the Examiner for the careful reading of the specification and claims and for indicating allowable subject matter. By this amendment, the Applicant has amended several claims to overcome the rejection and respectfully makes assertions for overcoming the rejection of the Office Action dated December 2, 2003 in the following paragraphs.

CLAIM REJECTIONS - 35 U.S.C. SECTION 103

Claims 17-26 and 28-32 have been rejected under 35 U.S.C. Section 103 as being unpatentable over Watanabe (US 5,557,096, "Watanabe '096", hereinafter). Watanabe '096 teaches an identification label with a transponder unit for surface mounting, the label having a multi-layered structure comprising an identification layer, a reinforcement layer, and an adhesion layer.

The prior art as a whole including the Watanabe '096 neither teaches nor suggests the present invention as claimed. The present invention as claimed, includes "reinforcement layer" forming a substrate with the transponder unit arranged thereon simultaneously serving as a

reinforcement layer for mechanical stabilization of the identification layer. Substantial multiple function of the reinforcement layer can only be fulfilled if the identification layer is arranged onto the reinforcement layer.

In contrast, Watanabe '096 reference discloses that the "reinforcing layers" as in the figures do not serve as a carrier for the identification layer in order to stabilize the identification layer. For instance, Figure 11 and Figure 12 and also Figures 54a and 54b very distinctly show a total separation between the reinforcement layer serving as a substrate for the transponder unit and that the identification layer exhibiting the entry blanks or co-displays characterizing the identification layer.

The above distinction solves the problem of an identification label changing its structure due to the transponder unit. The prior art Watanabe '096 reference does not recognize these problems and directs the person of ordinary skill in the art in a different direction. The Watanabe '096 reference also clearly fails to teach and fails to suggest the combination of the invention. As the prior art as a whole fails to direct a person of ordinary skill in the art toward the claimed combination, the invention should be considered patentable and nonobvious.

Therefore, Applicant finds that the Watanabe '096 reference does not anticipate the current invention and there is no suggestion or motivation to use the teachings of the references to provide the combination of the invention as claimed. Accordingly, Applicant respectfully requests that the Examiner reconsider the rejection in view of the discussion above.

If the Examiner has any comments or suggestions which would further favorable

prosecution of this application, the Examiner is invited to contract Applicant's representative by telephone to discuss possible changes.

At this time Applicant respectfully requests reconsideration of this application, and based on the above amendments and remarks, respectfully solicits allowance of this application.

Respectfully submitted
for Applicant,

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SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE
IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-
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